

Amendment – Ser. No. 09/367,244

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REMARKS

This responds to the non-final Office Action outstanding against this application. Upon entry of this amendment, claims 5, 6, 19 and 20 are pending, with claims 5 and 19 being the independent claims.

Rejection of Previously Allowed Claims 5 and 6

Claims 5 and 6 were previously allowed but the Examiner has withdrawn the allowance of this claims and issued another rejection. In particular, the Examiner has now rejected claims 5 and 6 pursuant to 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,392,401 to Ess (Ess) in view of U.S. Patent No. 5,701,791 to Schulze et al. (Schulze).

The Examiner acknowledges that Ess doesn't show first and second drive means for moving the pickup elements on the movable device. The Examiner contends that the Schulze document discloses "use of first drive means 16 and second drive means 27."

It is respectfully noted that element 16 of Schulze is a motor that moves the entire cross rail 14 transversely (FIG. 2, direction 15), *but the clamps 20 are not movable transversely relative to the cross rail 14*. In other words, the rail 14 and clamps 20 *move together as a unit in the cross direction 15*, but the clamps 20 cannot move relative to the rail 14. The Examiner is urged to consider col. 6, lines 15-19 of Schulze where this is detailed.

The Examiner is also requested to review col. 6, lines 20-21 which clearly state that the clamp housings 19 for the clamps 20 are "rigidly connected to the cross rail 14."

As such, it is respectfully submitted the combination of Ess and Schulze does not disclose or render obvious the machine defined by claims 5 and 6. The applicant requests that the allowance of claims 5 and 6 be reinstated.

New Claims 19-20

Independent claim 19 defines a panel feeding machine including a movable device for moving associated wood panels on the support surface in a first direction toward an associated sawing device and in an opposite second direction away from the associated

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sawing device. A plurality of pickup elements are mounted on the movable device and each is selectively operable between an opened position and a gripping position. At least a first pickup element is movable relative to the movable device in both the first and second opposite directions *when the first pickup element is in its gripping position*. In this manner, a wood panel being gripped by the first pickup element is movable on the support surface relative to the movable device by moving the first pickup element while it is gripping the wood panel.

The Schulze document discloses that at least one of the clamps 20 can move inward and outward relative to the cross arm 14, *but this can only occur when the clamp is opened (not gripping the workpiece)*. This is clearly explained at col. 6, lines 40-54 of Schulze. Of course, this makes sense because the whole purpose of the Schulze device is to move the clamp 20 out of the way so that the punch 8 can process the portion of the workpiece previously held by the clamp 20. This is also clearly described in the abstract of Schulze, "As soon as the holding device [clamp 20] reaches the limit of the danger zone around the tool head, it is switched into a setting *releasing the workpiece* and moves into a position away from the work station."

Claim 20 specifies that both first and second pickup elements are movable in the first and second directions relative to the movable device while in the gripping position.

Accordingly, claims 19 and 20 are also submitted to be in condition for allowance.

Conclusion

Based upon the foregoing amendments and remarks, the applicant respectfully submits that claims 5, 6, 19 and 20 are in condition for allowance. A Notice of Allowance is requested at the earliest possible date.

Respectfully submitted,



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